

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-11 have been rejected under §102(e) as being anticipated by Kobayashi et al. (Publication No. 2002/0105787 A1).

Applicant respectfully directs the Examiner's attention to MPEP 706.02(f), which indicates that a provisional §102(e) rejection should be issued when the subject matter of a pending patent application allegedly anticipates the claims of another pending application. Therefore, the Examiner's present §102(e) rejection should be a *provisional* rejection, as the cited application is not an issued patent.

Nonetheless, Applicant submits herewith an accurate translation of the two Japanese applications nos. 2001-44884 and 2001-44885 (the priority documents) from which the present application claims priority. As the Examiner has also received a certified copy of each of the priority documents (as indicated on the Office Action Summary form PTO-326), Applicant has perfected its priority claim under 35 USC §119. The priority date of the present application is February 21, 2001, which is prior to the U.S. filing date (December 28, 2001) of application no. 2002/0105787 A1. Therefore, application no. 2002/0105787 A1 cannot be used as a reference, and Applicant respectfully requests that the Examiner's §102(e) rejection be withdrawn.

Claims 1-3 have been rejected under §102(e) as being anticipated by U.S. Patent No. 6,407,925 to Kobayashi et al. (Kobayashi '925). Applicant respectfully traverses this rejection.

Claim 1 has been amended to further recite that each side stay has "a predetermined width suitable for mounting the electronic control unit on a vehicle."

Kobayashi '925 discloses a casing for an electronic control device that is substantially box-shaped (casing body 5) and has a cover 8. Casing body 5 comprises a flange portion 58 (side

stay) and a wall portion 64 (bent portion) that serves to plug up a liquid sealing material (see col. 7, lines 19 – 21). However, Kobayashi '925 does not disclose that the side stay (flange portion 58) is for mounting the electronic control unit on a vehicle, much less that the side stay (flange portion 58) has a predetermined width suitable for mounting the electronic control unit on a vehicle. Rather, flange portion 58 contains groove portion 59 filled with liquid sealing material that facilitates waterproofing.

Kobayashi '925 fails to disclose all features of amended claim 1 of the present invention such as, for example, a side stay having a predetermined width suitable for mounting the electronic control unit on a vehicle. Therefore, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 2 and 3 depend directly and indirectly, respectively, from claim 1. Therefore, the rejections of claims 2 and 3 should be withdrawn for the above-mentioned reasons in connection with claim 1.

Claim 12 has been rejected under 35 U.S.C. 103(a) as being anticipated by Kobayashi et al. (Publication No. 2002/0105787 A1) in view of Applicant's Admitted Prior Art (AAPA). Applicant respectfully traverses this rejection.

As discussed above in connection with claims 1-11, Publication No. 2002/0105787 A1 cannot be used as a reference.

As shown in Fig. 8 of the present application, AAPA discloses a method of conveying electronic control units 50. However, AAPA teaches away from the electronic control unit of the present invention because the side stays 55 of AAPA are flat (see Fig. 7). The electronic control unit of the AAPA fails to teach or suggest, for example, side stays including a bent portion bent

upward from the side stay. Applicant therefore respectfully requests that the rejection of claim 12 be withdrawn.

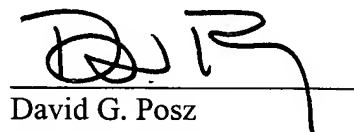
Claim 4 has been amended in order to improve its cosmetic appearance and not due to a substantial reason related to patentability or any other reason that might give rise to estoppel. Therefore, the above amendment to claim 4 has not narrowed the scope of this claim within the meaning defined in Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 535 U.S. ____ , (2002).

New claims 13 – 17 have been added to further define the case of the electronic control unit of the present invention in a manner that is supported by the specification and the drawings.

In view of the above amendments and remarks, the present application is now believed to be in condition for allowance. A prompt notice to that effect is respectfully requested.

Although no additional fees are believed to be due, permission is given to charge any unanticipated fees to Deposit Account 50-1147.

Respectfully submitted,



David G. Posz
Reg. No. 37,701

DGP/khh
Law Offices of David G. Posz
2000 L Street, NW, Suite 200
Washington, DC 20036
(202) 416-1638
Customer No. 23400



Serial No.: 10/043,224

APPENDIX SHOWING CHANGES MADE TO THE CLAIMS

IN THE CLAIMS

Please amend claim 1 as follows:

1. (Amended) An electronic control unit to be carried by a conveyer having a conveyer passage, the electronic control unit comprising:

a substantially box-shaped case having a bottom opening;

a bottom cover for closing the bottom opening of the case; and

a circuit board having electronic components mounted thereon, the circuit board being contained in a space formed by the case and the bottom cover, wherein:

side stays extending to both sides of the bottom cover are formed integrally with the bottom cover, each side stay having a predetermined width suitable for mounting the electronic control unit on a vehicle; and

each side stay includes a bent portion bent upward from the side stay.

Please amend claim 4 as follows:

4. (Amended) The electronic control unit as in claim 1, wherein:

a first rib perpendicularly extending [form] from the side of the bottom plate is formed on the side stay.

RECEIVED
FEB 19 2003
TECHNOLOGY CENTER 2800